

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ELTON MIHALI,

Plaintiff,

-against-

SIGNATURE BLACK CAR LLC et al.,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 12/4/2020

20-cv-5634 (MKV)

ORDER

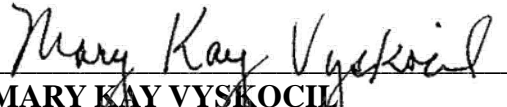
MARY KAY VYSKOCIL, United States District Judge:

On October 22, 2020, Plaintiff informed the Court that the parties had reached a consensual resolution of this case [ECF #28]. The parties later submitted a letter and documentation in support of the fairness of the settlement and of the request of Plaintiff's counsel for attorneys' fees [ECF #30]. The Court has reviewed these documents for fairness in accordance with the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §§ 201, *et seq.*, and Second Circuit precedent, *see, e.g., Cheeks v. Freeport Pancake House*, 796 F.3d 199 (2d Cir. 2015).

The Court finds that the terms of the proposed settlement, as a whole, are fair and reasonable in light of all of the circumstances. Specifically, if the parties were unable to reach a settlement, Plaintiff would risk losing on the merits of his claims based on Defendants' argument that Plaintiff was an independent contractor, not an employee under the FLSA and New York Labor Law. Moreover, the Settlement Agreement appears to be the product of an arms-length negotiation. The Court therefore approves the settlement as fair and reasonable. In addition, the Court approves the request for attorneys' fees in the amount of \$7,066.65. This allocation is fair and reasonable because it is consistent with the lodestar amount and the retainer agreement [ECF #30, Exhibit 3]. This case is dismissed with prejudice.

**SO ORDERED.**

**Date: December 4, 2020**  
**New York, NY**

  
**MARY KAY VYSKOCIL**  
**United States District Judge**